

;ARTICLE 42C

WATERFRONT SERVICE DISTRICT

(;Article inserted on April 27, 1990*)

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(Editor's Note: This table of contents is added for the convenience of the user.
It has not been adopted as part of this Article.)

**As amended through October 24, 2002.

*Date of public notice: March 17, 1990 (see St. 1956, c. 665, s. 5).

SECTION 42C-1. **Statement of Purpose.** The purposes of this Article are to preserve for water-dependent commercial use adequate Piers, docks, and land necessary for the repair, maintenance, and sale of Commercial and Recreational Vessels; to provide appropriate areas for the sale of marine fuel and boating supplies; to protect against the encroachment of uses that threaten the continued economic viability of these specialized operations in Boston; to designate sites along the waterfront for other water-dependent commercial uses such as tug boats and lobster boats, consistent with applicable State policy and the unique needs of these uses for waterfront property; to support through such uses the maritime-dependent industrial use of the Boston Harbor; to promote land development that protects the public health and general welfare; and to maintain a safe and healthy environment.

SECTION 42C-2. **Applicability.** Within a Waterfront Service District, no building or structure may be erected, reconstructed, extended, or altered, and no building, structure, land (including submerged land and Tidelands) or water area may be used or occupied, except as provided in this Article. A Waterfront Service District may be indicated by the abbreviation "WS" on any official zoning map of the City of Boston.

The provisions of this Article and the remainder of the Code constitute the zoning regulations in a Waterfront Service District. Where conflicts exist between a provision of this Article and the remainder of the Code, the provision of this Article shall govern, unless this Article specifically indicates otherwise.

;SECTION 42C-3. **Waterfront Service District Use Regulations.** Within a Waterfront Services District, no land (including submerged land or Tidelands), water area, or structure may be erected, used, or arranged or designed to be used except as provided in this Section. The provisions of Article 8 apply only as specified in this Section, except that Section 8-6 applies.

1. Allowed Uses. Within a Waterfront Service District (land and Tidelands), the following uses ("Water-Dependent Commercial Uses") shall be allowed as a matter of right, subject only to the regulations set forth in this Article:
 - a. Dock, slip, pier, wharf, anchorage, or moorage for Commercial Vessels or Recreational Vessels awaiting servicing, provisioning, off-loading, or delivery;
 - b. Use, hire, or charter of any Commercial Vessel;
 - c. Boat and marine motor service and repair or sales and display; boatyard; boat broker; or marine insurance broker;
 - d. Non-Seasonal Dry Storage of Vessels;

- e. Sale of marine fuel, marine hardware, or boating or diving supplies and equipment;
- f. Navigation aids and facilities;
- g. Wet or dry storage or berthing of any Commercial Vessel, including, but not limited to, fishing vessel, tow boat, or cruise boat;
- h. Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors;
- i. Woodworking or carpentry shop;
- j. Marine shop, electrical shop, or similar use for the repair and maintenance of Vessels not exceeding one hundred fifty (150) feet in length;
- k. Hoist, lift, ramp, davit, or other structure to haul or move a Commercial Vessel or Recreational Vessel not exceeding one hundred fifty (150) feet in length from water to land or vice versa and not used by the public generally;
- l. Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage;
- m. Aquaculture facility;
- n. Boat Rental Establishment;
- o. Facility necessary for public health, safety, management, or law enforcement on waterways;
- p. Flood, water level, or tidal control facility;
- q. Cable, conduit, pipeline crossing, stormwater outlet, or other similar utility structure;
- r. Marine research and training institute;
- s. Open Space, pedestrian walkway, water-dependent recreational facility, or other public outdoor recreation facility;

- t. Terminal, parking area, or other facility necessary for waterborne passenger transportation; provided that the number of vehicular parking spaces does not exceed fifty (50) spaces;
 - u. Public Boat Ramp;
 - v. Any of the following uses accessory to an allowed use, subject to the limitations and restrictions of Article 10:
 - (i) A parking garage or parking lot for occupants, employees, customers, students, and visitors; provided that, in the case of a lot lying in two or more districts, such parking is accessory to a use that is lawful in the district in which such parking is located;
 - (ii) storage of flammable liquids and gases incidental to a lawful use;
 - (iii) any use ancillary to, and ordinarily incident to, a lawful main use; provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory;
 - w. Recreational Marina, rack, dry stack, or landside facility for Seasonal Dry Storage of Private Pleasure Craft Vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty. For the purposes of this subparagraph, any slip or space existing on the effective date of this Article shall not be included in the calculation of the number of slips and spaces under this subparagraph.
2. Conditional Uses. Except as otherwise provided in this Section 42C-3, no land (including submerged land and Tidelands), water area, or structure in a Waterfront Service District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Subsection 2. The granting of a permit for any use so specified may be authorized by the Board of Appeal acting under the provisions of Article 6, subject to the requirements set forth in this Subsection 2.
- a. Private club, provided that water access is required for the club's program or operations;

- b. Recreational Marina, or rack, dry stack, or landside facility for Seasonal Dry Storage of Private Pleasure Craft Vessels if the number of slips and spaces associated with such facility exceeds twenty. For the purposes of this subparagraph, any slip or space existing on the effective date of this Article shall not be included in the calculation of the number of slips and spaces under this subparagraph;
 - c. Any use not listed in Subsection 1 of this Section 42C-3 that is allowed in a Residential (S, R, H) or Local Business (L) district provided that:
 - (i) no more than twenty-five percent (25%) of the allowed gross floor area of all structures constructed on a Lot subsequent to the effective date of this Article shall be devoted to such use; in any event, no Residential Uses shall be permitted on any Lot adjacent to a Maritime Economy Reserve District or to a subdistrict governed by the regulations applicable to such a district;
 - (ii) lot coverage by any such use does not exceed thirty-five percent (35%) of the total Lot Area; and
 - (iii) adequate distance, screening, and buffering are provided between uses that are potentially incompatible, as determined by the Board of Appeal, in accordance with Section 6-4;
 - d. Terminal, parking area, or other facility necessary for waterborne passenger transportation, if the number of vehicular parking spaces is greater than fifty (50) spaces.
 - e. Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
 - f. Pawnshops
 - g. Body Art Establishment
3. Forbidden Uses. Any use not otherwise specified in this Section as an allowed or conditional use shall be a forbidden use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9. Without limitation, uses described in Use

Items 34A and 38A of Table A of Section 8-7 shall be forbidden uses in a Waterfront Service District. In addition, and notwithstanding any contrary provision hereof, any use of a floating structure, other than for a Water-Dependent Use, is forbidden in a Waterfront Service District.

(;As amended on September 30, 1993 and October 6 and November 21, 1996, September 18, 2000, February 16, and April 9, 2001.)

SECTION 42C-5. **Dimensional Regulations.** Within a Waterfront Service District the following dimensional requirements apply to all buildings, structures, and uses, other than a Residential Use, and except as otherwise provided in Section 42C-3:

1. Minimum Lot Size: none.
2. Minimum Lot Width: none.
3. Maximum Floor Area Ratio: within a WS-1 subdistrict: 1.0
within a WS-2 subdistrict: 2.0
4. Maximum Height: within a WS-1 subdistrict: 35 feet
within a WS-2 subdistrict: 35 feet
5. Minimum Front Yard: none.
6. Minimum Rear Yard: 12 feet.
7. Minimum Side Yard: none.
8. Maximum Percentage of Rear Yard which may be Occupied by Accessory Buildings: none.

Any Residential Use in a Waterfront Service District shall conform to the dimensional requirements applicable to the nearest Residential District.

SECTION 42C-6. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 42C-7. **Severability.** The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

SECTION 42C-8. **Definitions.** Words and phrases defined in Appendix A to Article 42A, when capitalized in this Article 42C, have the meanings set forth in said Appendix A, except that for the purposes of this Article 42C only:

1. "Residential District" means an S, R, or H district or a subdistrict subject to the regulations governing an S, R, or H district.
2. "Residential Uses" means uses described in Use Items 1 through 8A of Table A of Section 8-7.